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REASONS
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WHY THE

CONCURRENCE OF THE BISHOP

SHOULD BE

CONSIDERED NECESSARY TO THE VALIDITY OF
ALL ACTS

OF A

DIOCESAN SYNOD.



Montreal:

PRINTED BY JOHN LOVELL, ST. NICHOLAS STREET,
1855.

* * These pages are offered to the consideration of those Clergymen and Laymen who may not have had time and opportunity for a full investigation of the subject. No attempt is made to dictate to those who, having books and leisure, have already used them in arriving at a decision upon the matter that is here treated of.

REASONS,

&c., &c.

A DIOCESAN SYNOD may be defined as an assembly called together by the Bishop, composed either (i.) of the Bishop and Clergy of the diocese, (in which case the Clergy may appear either all personally, or by a limited number of representatives chosen from their own body by themselves,) or (ii.) of the Bishop, the Clergy, and the Laity. The functions of the two last named bodies are to assist the Bishop in his deliberations for the good of the Church in his Diocese.

When the three constituent parts of a Diocesan Synod, assembled under the conditions mentioned above, concur in imposing certain regulations upon themselves and the members of their own Communion generally, within the Diocese, any such regulation may be called Canon, or an Act of the Synod, binding upon the conscience, and commending itself to the approbation of each member of the Church within the Diocese.

STATEMENT OF A CASE.

Let it be supposed that some regulation should be issued by one or two of the parties composing the Synod, but should lack the consent of the third, then such a regulation could not be called an Act of the Synod, and would be invalid.

a. A Synod being called under the above conditions, if the Laity, in Synod assembled, should withhold their concurrence from any regulation, such regulation might be looked upon as an expression of opinion on the part of the Bishop and the Clergy, but as nothing more:—the Laity refusing their consent, it loses the character of a Canon or Synodical Act.

b. If the body of the Clergy, in Synod assembled, withhold their concurrence from a proposed regulation, such regulation clearly cannot be called an Act of the Synod: one of the constituent parts of that Synod does not ratify it.

c. If the Bishop, in such Synod, refuse his consent to the passing of any proposed regulation, such regulation cannot be binding on the members of the Church: it is not an Act of the Synod, being disapproved by the Bishop and chief Pastor of the Diocese, and one of the three estates composing the Synod.

It seems desirable, then, that each of these three parties, Bishop, Clergy, and Laity, in Synod assembled, should have the power of negating any proposed regulation. And, clearly, it would not be equitable to give such power to either the second, or the third, and withhold it from the first of the three above mentioned parties. How could a Churchman consent to see the Bishop of the Diocese refused a power conceded to the Clergy, and to the Laity also, of that diocese?

For the following reasons the concurrence of the Bishop ought to be regarded as necessary to the validity of all Acts of a Synod.

I. The power the Bishop would exercise in the Synod could be only of a negative, and not of a positive, character. He could do nothing in the Synod

against the will of the Clergy, or against the will of the Laity: he could only withhold his consent to a measure which he conscientiously believes to be not for the good of the Diocese.

II. It must always be remembered that the Bishop's care is over the whole diocese; that of a Clergyman over only his own parish or mission; and a Layman's interest is chiefly confined to his own neighbourhood. How can we, of the Clergy or Laity, with smaller responsibility, wish to force upon a whole Diocese that which he, who is bound to care for all, cannot approve.

III. A Bishop, whose concurrence in the doings of a Synod is not thought essential, will sometimes be placed in the position of one compelled to act in his own Diocese under regulations made contrary to his expressed judgment. In that case he is not a Bishop, but the mere instrument of those *over* whom he is placed, and for the *oversight* of whom he must give account.

IV. It is of the essence of a Bishop's office to rule and to administer the discipline of the Church. At the most solemn moment of his life—his Consecration—he was reminded that he was about to be “admitted to the *government* of the Church of Christ, which He purchased with no less price than the effusion of His own blood,” and most solemnly the promise was demanded of him, before he could receive the Bishop's office, that he would administer the discipline of the Church “according to such authority as he has by God's word, and as to him should be committed.” How can we expect a Bishop to surrender an authority which God has bestowed upon him? How could we afterwards respect one who had relinquished a sacred right, bound upon his office and person by sanctions so awful?

V. The Clergy were asked at the most awful moment of their lives—their Ordination—“Will you reverently

obey your Ordinary, and other chief Ministers, unto whom is committed the charge and government over you, submitting yourselves to their godly judgments?" And they answered, "I will so do." And yet, if this negative power is withheld from the Bishop, they will frequently find themselves in the position of forcing on a measure against the "judgment," perhaps to the grief and vexation, of their Bishop, to the certain peril of violating their ordination vows.

VI. If we deprive the Bishop of this power we reduce our Church to a Presbytery; one of the main distinctions between the Presbyterians and the Church being that the chief authority lies, with the former in the Presbytery, with the latter in the Bishop. Our regimen is not Presbyterian but Episcopal.

VII. If we deprive the Bishop of this power, a faithful Churchman may often be placed in this dilemma, viz.: that he must either abide by a regulation passed contrary to the judgment and desire of his Bishop, or sympathize with the Bishop, and reject a regulation imposed by the Synod. Can this be agreeable to the ordinance of God, Who is the author not of confusion but of order?

VIII. If we deprive the Bishop of this power, then the regulations of the Synod will incur the danger of never being enforced, and of falling into contempt. Ought a Bishop to be placed in such a position that he must enforce a discipline which, in his conscience, he believes will be pernicious to his diocese?

IX. If the Bishop be not deprived of this power, then a free expression of opinion may be expected in the Synod, and not otherwise. A Bishop would be tempted, —nay, it would be his duty,—to induce a Clergyman, or Layman, to think as he does on any proposed regulation. Are there not many, both of Clergy and Laity, who having privately learned the Bishop's opinion and wishes

from his own mouth, would hesitate afterwards publicly to oppose him in the Synod? Some might hold their peace from fear, or from some other unworthy motive; others only from natural deference to one placed over them by God; but in either case free expression of opinion is endangered. But if the Bishop's own concurrence be needed, he has no inducement to silence discussion, or to bring his influence to bear on either Clergy or Laity in any secret ways. All the Acts passing with his concurrence, he can have no temptation to resent the opposition offered by either Clergy or Laity.

X. If the Bishop be deprived of this power, we shall be acting unlike the Church of Christ in all ages, and in defiance of all precedents? (And surely He, according to His promise, has "been with her always.") Who ever heard in Church History of a Bishop's voice being accounted nothing in his own Synod?

XI. When a Diocesan Synod is established, the Church's authority can only be exhibited in such Synod and its Acts; if, therefore, the Bishop have not authority in the Synod, he has authority nowhere.

XII. In passing a regulation in Synod in opposition to the Bishop, we of the Clergy, or of the Laity, should be resisting an authority given him by God. This consideration might well settle the whole matter.

XIII. If we deprive the Bishop of this power, we shall be taking the side of those who in former days were always the enemies of our Church and of her form of government, and opposing ourselves to the expressed opinion of the best, the most learned, and the most moderate, of the great divines of our Reformed Church. We must not expose ourselves to the censure, nor make ourselves ridiculous in the eyes, of the other branches of that now widely spread communion, the Anglican Church.

A few extracts are subjoined from the writings of Archbishop USHER, Bishop HALL, JEREMY TAYLOR, HOOKER, BARROW, and lastly of CALVIN.

Archbishop USHER, quoted by Bingham, (*Ant.*, vol. ix., p. 397):

"To bring the government as near as may be allowed to the practice of the present Presbyteries, according to Archbishop Usher's proposal, the Bishop may call a monthly Synod of all the Pastors in the Diocese: the Bishop and Presbyters concluding all things by common consent, *so as the Bishop may retain his authority by having a negative voice, that nothing be concluded without him*, and the Presbyters also have their share in the government of the Church, that the Bishop ask the consent of the major part of them; as some Protestant Bishops have done both in their Consistories and Synods, and as was the practice of the Church in the days of Ignatius."

Bishop HALL, asserting the jurisdiction of Bishops, says, (*Works*, vol. x., p. 227. *Ed. Talboys*): "It is the charge laid upon Presbyters by more than one ancient Council or single Father, '*to do nothing at all without the consent of the Bishop.*' We have heard it from holy Ignatius and from the Apostolic Canons; we may hear it when we please from the holy martyr Cyprian," &c.; and then he quotes with approbation a Canon of the Council of Antioch: "Let every Bishop have authority of his own See, both to govern it according to the fear of God, which is before his eyes, and to have a provident care of the whole country which is under his city."

Again (p. 334): "Turn over all histories, search the records of all times and places; if ever it can be shewn that any orthodox church in the whole Christian world,

since the times of Christ and his Apostles, was governed otherwise than by a Bishop superior to his Clergy, (unless perhaps during the time of some persecution or short interregnum,) let me forfeit my part of the cause."

Again, (*p.* 244), speaking of the authority of Bishops, he says: "Was this power left by the Apostles or was it not left? If it were left (as else we could have no Church,) was it left with all or with some? With all it cannot, the multitude cannot be thought fit for these affairs. If with some, then whether with one in a city or territory, or with more? If with more, why is the charge then imposed upon one? One Timothy in Ephesus; one Titus in Crete; one Angel in Thyatira; one other in Philadelphia, Laodicea, and the rest; and why are those single persons challengeable for the neglect? And if this power and this charge were, by the very hands of the Apostles, entailed upon these eminent persons, which should by due Ordination therein succeed them, and from them lineally descend upon us, I wonder what human power dare presume to cut it off."

Bishop TAYLOR (*Works*, *vol. x.*, *p.* 277. *Eden's Edn.*) "Whether the diocese be little or great, where there is a Bishop and a congregation, there is a diocese, and there is a power of commanding, and a necessity of obeying, because above the Bishop there is no appointment in the whole religion, *it is necessary that the legislative be established in him*," (i. e. that he should have authority to legislate.)

Again, (*Ib.*, *p.* 278,) quoting S. Ignatius, he says:—"It is fit that you obey your Bishop, and in nothing contradict him, for he that does despises not him that is visible, but in him despises the invisible God, for the Bishop hath not his promotion from men but from God."

Again, (*vol. x.*, *p.* 281): "Unless you are sure you

displease God in obeying the Bishop, it is certain you do displease God by disobeying him."

Again, (*vol. v., p. 135*): "The issue then is this: the Presbyters, and Clergy, and Laity, must obey; therefore *the Bishop must govern and give them laws.*"

Again, (*Ib., p. 147*): "What power Christ hath given them, no man can take away."

Again, (*Ib., p. 172*): "If it be objected, 'that which is of general concernment must be of general scrutiny,' I answer, It is true, unless where God himself hath intrusted the care of others in a body, as He hath in the Bishop, *and will require the souls of his Diocese at his hand.*"

Again, (*Ib., p. 185*): "Those men that call the Bishop a Pope are themselves desirous to make a conclave of Cardinals, and to make every diocese a Roman Consistory."

Again, (*Ib., p. 75*): "Presbyters might be summoned to take the place of the Bishop in his absence, but never had any ordinary jurisdiction given them by virtue of their ordination, or any commission from Christ and his Apostles."

HOOKE, (*Works*, VI, vii, 10,) speaking of S. Jerome, says:—"The pride of insolent Bishops hath not a sharper enemy than Jerome, for which cause he taketh often occasions most severely to inveigh against them,

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—sometimes for not vouchsafing to use any conference with their Presbyters." And after saying this he yet quotes with approval the following words: "The very safety of the Church," saith Jerome, "dependeth on the dignity of the Chief Priest (the Bishop,) to whom unless men grant an exceeding and an eminent power, there will grow in Churches even as many schisms as there are persons which have authority."

Again, (*Ib.* 8), he quotes S. Cyprian with approval, saying: "It is not a matter left to our own choice whether Bishops shall rule or no, but *it is the will of our Lord and Saviour that every act of the Church be governed by their Bishops.*"

Again, (*Ib.* *xvii*, 1): "In the writings of the ancient fathers there is not anything with more serious asseveration inculcated than that it is God which maketh Bishops, that their authority is of Divine allowance, that, according to God's own law, *the whole Christian fraternity standeth bound to obey him.*"

Again, (*VIII*, *vi*, 8): "A law, be it civil or ecclesiastical, is a public obligation, wherein seeing that the whole standeth charged, *no reason it should pass without his privity and will*, whom principally the whole doth depend upon." For of this thing no man doubteth, namely, that in all societies, corporations and companies, what severally each shall be bound unto, *it must be with all their consents* ratified. Peace and justice are maintained by *preserving unto every order their rights, and by keeping all estates as it were in an even balance.*"

BARROW, on the Unity of the Church: "We do affirm that all Churches are obliged to comply with lawful decrees and orders *appointed in Synods with consent of their Bishops.*"

CALVIN, (*quoted by Bishop Hall, vol. x.*) says: "If they would bring unto us such an hierarchy, wherein the Bishops shall so rule as that they refuse not to submit themselves unto Christ, that they depend upon Him as their only head, then surely if there shall be any that shall not submit themselves to that hierarchy reverently and with utmost obedience, I confess that *there is no anathema of which they are not worthy.*"

APPENDIX.

The following is extracted from an account of the proceedings of the "Diocesan Assembly of Nova Scotia," held at Halifax, in the Bishop's Chapel, 11th Oct., 1855.

Constitution and Regulations of Assembly:

"8th. No act or resolution of the Diocesan Assembly shall be valid which shall not have received the concurrent assent of the Bishop, the Clergy, and the Laity."

The following is from the XIVth clause of the Constitution of the Synod of Toronto, held in Oct., 1854:

"No act or resolution of the Synod shall be valid without the concurrence of the Bishop, and of the majority, both of the Clergy and of the Laity present and voting at the meeting."

The following is the VIIIth Resolution adopted at the Conference of the Bishop, Clergy, and Laity of the Diocese of Adelaide, on the Feast of the Epiphany, 1852:

"No rule shall be binding on the members of the Church in this Diocese, which shall not have received the concurrent assent of the Bishop, the Chapter of Clergy, and the Convention [of Laity] in the Diocesan Assembly."

*C. M.
J. M. S.*

Diocese of Adelaide

Rev. Wm. D. Williams

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